

DIILS at 20 Years - Advancing the Rule of Law Worldwide

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It's 0700 on a steamy Monday, and the sun is rising above Lake Kivu in eastern Congo. Fishermen in dugout canoes ply the lake's waters in pursuit of the first catch of the day. The merchants of Bukavu, the capital of the picturesque South Kivu province, ready their wares to be sold on the streets of the city center. A team of U.S. Navy judge advocates assembles their gear for another day with the Congolese Army. Before the week is through, this team will train over 60 line officers and magistrates of the Armed Forces of the Democratic Republic of the Congo (FARDC) in the rule of law.

They are a mobile training team dispatched by the Defense Institute of International Legal Studies (DIILS). Formed as an offshoot of the Naval Justice School (NJS) in 1992, DIILS has become a joint activity of the Defense Security Cooperation Agency. What started two decades ago with a single officer working out of one office in the NJS building is now a 30-member command occupying its own facility onboard Naval Station Newport, operating under a multi-million dollar budget.

At the helm of DIILS during its first days was then-Cmdr. Rob Kasper, now a retired captain, who took a leave of absence from his civilian law practice to spearhead the initiative. "Congress was looking for a way to condition military aid to foreign countries on law of armed conflict and human rights training," recalls Kasper. The Department of the Navy was up to the task, and NJS took the lead.

Mr. Bill Aseltine, who joined DIILS near the time of its inception, remembers the early years of the organization. Then serving on active duty, Aseltine recalls,

"as an NJS instructor, I became the first 'International Operations Officer' for what was then the International Training Department of NJS. Since the beginning, DIILS focused on knowing our audience. We have always followed a three-phased approach of assessment, planning, and seminar execution." After leaving active duty, Aseltine became the director of DIILS' resident course programs, and has served in that role for the last 15 years.

Although it has come into its own as a command, DIILS consists of a small but capable staff. Each military service is represented by one International Operations Officer, with the exception of the Navy, which has two officers. The director is an O-6; a billet that rotates among the services. The deputy director is always a Navy commander. Civilians and contract personnel complete the staff, including the special assistant for plans, regional program directors, resident program personnel, curriculum developers, program assistants, training specialists, and finance and management technicians.

DIILS could not carry out nearly 150 mobile programs per year relying solely on its permanent staff. The Institute prides itself on tailoring each team for the mission at hand and relies heavily on activated reservists and a pool of over 700 adjunct instructors. A typical mobile training team consists of just one DIILS staff member and two to four adjuncts. Active-duty officers from the service JAG schools and the combatant command staff judge advocate offices are frequent adjuncts, along with a diverse community of reservists, including U.S. and state government civilian attorneys, judges, criminal investigators, inspectors general, and subject matter experts from many other communities.

DIILS' funding is as diverse as its programs. From its inception, DIILS has enjoyed excellent support from the International Military Education and



Training program and has progressively accepted other funding as it expanded its legal curriculum in response to evolving priorities. These include combating terrorism, enhancing the capabilities of NATO Partners for Peace, and supporting United Nations peacekeeping operations in the Democratic Republic of the Congo (DRC) and the Sudan.

In 2008, the Office of the Secretary of Defense (OSD) tasked DIILS to develop curriculum and deliver the human rights and international humanitarian law training that is required for foreign military units



Defense Institute of International Legal Studies (DIILS) instructors presenting a class on Operational Law to the Armed Forces of Liberia, July 2011.

receiving U.S. military assistance under the Global Train and Equip Law.

In 2010, OSD allocated operation and maintenance funds to the Institute. These funds allowed for a strategic leap in an organization that had been accustomed to responding to requests for legal engagement from embassies and combatant commands. DIILS hired a civilian planner to oversee the finance department and develop its own focused annual program objectives. These developments brought sustained and flexible programming to support strategic priorities while adjusting to evolving circumstances.

DIILS is the epitome of a low-density, high-impact resource—a small organization with a global footprint. Notwithstanding its modest resources, DIILS has trained over 37,000 personnel from 118 countries through its mobile programs since 1992. In fiscal year 2011 alone, DIILS conducted 130 mobile programs in 54 countries, reaching some 3,755 personnel. In addition, DIILS runs nine annual resident courses in Newport, which have trained over 1,380 participants from 131 countries. By any measure, DIILS is a dynamic, highly productive, and expeditionary unit.

The resident course programs are DIILS' showcase. These courses address the international law of military operations, military law development, legal aspects of combating corruption and terrorism, rules of engagement, and rules for the use of force in stability operations. Courses vary from two to eleven weeks in length, and participants come from many countries. After spending time in Newport and on field study programs—a combination of educational and cultural activities in Boston, New York City, or Washington, D.C.

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— participants often leave with an improved appreciation for the United States as well as a coveted DIILS certificate. A recent addition to the resident program is a three-week course designed to introduce legal advisors and operational leaders to the principles of the law of armed conflict and human rights.

DIILS has developed into a lead defense security cooperation resource for professional legal education, training, and democratic rule of law programs for international military and related civilian audiences worldwide. From humble beginnings, DIILS now enters its third decade as a key component of U.S. security cooperation and diplomacy. The Institute remains true to its motto “Justice for the Whole World” and continues to engage in a strategic dialogue with U.S. stakeholders and foreign partners to ensure it consistently delivers the highest quality legal training and education.

DIILS instructors are increasingly leaving behind their PowerPoint slides in favor of interactive methodologies and technologies, such as web-based exercises and audience response systems. In addition, the Institute’s curriculum library is not “one-size fits all.” Rather, it is designed in modules that can be assembled in many combinations to accomplish the objectives of each particular mission.

DIILS’ work has always been driven by real-world, real-time events. Its very first mission (in New Guinea) occurred in the midst of the Tailhook scandal, and Kasper recalls the vigorous class discussions generated in response to daily headlines. Since the beginning, “DIILS courses have emphasized best practices and a shared desire to make the world a better place for our grandchildren,” said Kasper. Today’s class discussions often involve the lessons learned from global contingency operations and detention issues.

Back in Bukavu, the beautiful surroundings stand in stark contrast to the ongoing and tragic history of violence in the area. The region, and the country at large, have been wracked by over a decade of war, which has claimed the lives of 5.5 million people — more than any conflict since World War II. The prevalence of sexual- and gender-based violence (SGBV) as a weapon of warfare has earned the DRC its ugly moniker, the “rape capital of the world.” The victims of SGBV in the DRC are believed to number in the millions, with nearly one person victimized per minute.

With a peacekeeping operations grant from the Department of State, DIILS is helping to roll back this cycle of violence. Since 2007, DIILS teams such as the

one in Bukavu have trained thousands of FARDC personnel in every region of the country on the rule of law, international criminal law, and anti-corruption. The law of command responsibility, which DIILS presents at every class in the DRC, is finally starting to take root. For the first time, the FARDC recently prosecuted a group of senior officers in a military court for the crime of rebellion. The military magistrates who chaired the court and formed the prosecution team in the case were graduates of DIILS programs.

Looking to the future, DIILS Director Capt. Rob Sanders wants to see the organization replicate those results in other parts of the world. Sanders is well-placed to lead DIILS into its third decade, having served as an adjunct instructor on numerous mobile programs over a ten-year period prior to his assignment as the organization’s director.

Sanders recalls, “One day I flew into the rising sun over the Pacific Ocean on a Japanese airline — the same Pacific in which my father once served in combat against Japanese troops. I was leaving a Pacific Command legal operations meeting of over 100 military and civilian members of our partner nations and our peer competitor, China, where we discussed how to address the region’s 2012 legal challenges.” Building partnership capacity to advance the rule of law is as much a necessity of 21st Century security cooperation as our historical alliances to fight conventional wars.

On a personal level, serving as a judge advocate with DIILS is as rewarding as it is challenging. The challenges include the physical toll of a life spent mostly on the road, often in some of the world’s most austere environments; the frustrations of navigating complex bureaucracies; the need to master both academic and operational skills; and having to perpetually balance between planning the next mission while executing the present one. But the rewards of this work are perhaps without equal in a judge advocate’s career — sharing the law with those who yearn for its rule; forging friendships across the globe; unparalleled cultural enrichment; and the fulfillment of building a better world for future generations.

Those who have served with DIILS over the last 20 years have changed the world in a profound way. But the work of this organization has only just begun. Many more judge advocates are destined to blaze trails around the world, on a mission unique in the DoD and the service JAG Corps organizations. They will bear with them one of the most powerful tools in our military arsenal — support for the rule of law. 🌐



Defense Institute of International Legal Studies (DIILS) instructors with members of the Czech Helicopter Squadron at the conclusion of a Human Rights and International Humanitarian Law seminar, January 2012.